

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**HENRY HINTON, JR.**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 5:15-cv-77-DCB-MTP**

**PIKE COUNTY, ET AL.**

**DEFENDANTS**

**REPORT AND RECOMMENDATION**

THIS MATTER is before the Court on Plaintiff's *ore tenus* motion to dismiss certain claims. During the omnibus hearing held on October 26, 2016, Plaintiff discussed claims regarding Defendants' failure to respond to grievances. Plaintiff, however, stated that he no longer wishes to pursue these claims and wants them dismissed. No defendant opposed the Plaintiff's request. Additionally, as a matter of law, Plaintiff's allegations that Defendants failed to adequately respond to his grievances do not amount to a constitutional violation. *See Geiger v. Jowers*, 404 F.3d 371, 373-74 (5th Cir. 2005) (holding inmate does not have a federal protected liberty interest in having prison grievances investigated or resolved to his satisfaction); *Dehghani v. Vogelgesang*, 226 Fed. App'x. 404, 406 (5th Cir. 2007). Therefore, the undersigned recommends that Plaintiff's claims regarding Defendants' failure to respond to grievances be DISMISSED with prejudice. The case should continue as to the remaining claims.

**NOTICE OF RIGHT TO OBJECT**

In accordance with the rules and 28 U.S.C. § 636(b)(1), any party within fourteen days after being served a copy of this recommendation, may serve and file written objections to the recommendations, with a copy to the judge, the magistrate judge and the opposing party. The District Judge at the time may accept, reject or modify in whole or part, the recommendations of

the Magistrate Judge, or may receive further evidence or recommit the matter to this Court with instructions. The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendations contained within this report and recommendation within fourteen days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions accepted by the district court to which the party has not objected. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

THIS the 3rd day of November, 2016.

s/ Michael T. Parker

---

United States Magistrate Judge